IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MR JUSTICE A.GOPAL REDDY**

**WRIT PETITION NO: 16845 of 2004**

Between:

Smt. K. Rajamma, W/o Late Raghavulu, OCC: Sanitary female

Mazdoor, R/o Q.No. 70/D Welfare Center Area, Rudrampur,

Kothagudem (M), Khammam District.

**... PETITIONER**

AND

1 The Mandal Revenue Officer, Kothagudem, Khammam District.
2 The President, Mandal Praja Parishath Kothagudem,
Khammam District.
3 Sri B. Pedda Komaraiah, S/o Late Poshaiah, OCC: retired employee
R/o Q.No. 72/D, Welfare Center Area, Rudrampur, Kothagudem (M),

Khammam District.

**...RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction preferably writ of mandamus declaring that the action of the 1st respondent and his staff in making efforts to dispossess the petitioner from her land admeasuring Ac. 3-20 gts in Sy.No. 46 situated at Laxmipuram thanda H/o Garibpet (v) Kothagudem (M) Khammam District, without notice, without initiating any proceedings as illegal, arbitrary and violative of principles of natural justice and consequently direct the respondents 1 and 2 not to interfere in the civil dispute which is pending between the petitioner and the 3rd respondent.

**Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR**
**Counsel for the Respondents 1 and 2: GP FOR REVENUE**

**The Court at the admission stage made the following:**

## ORDER:

Present Writ Petition is filed on mere apprehension that the second respondent is influencing the first respondent to dispossess the petitioner from the land in Sy.No.46 admeasuring Ac.3-20 gts. at Laxmipuram thands, Khammam District which, he is in possession since last 30 years. Petitioner also filed O.S.No.543 of 2002 for perpetual injunction on the file of the learned Principal Junior Civil Judge, Kothagudem that the third respondent is interfering with the possession.

2. This Court cannot presume that the respondents will not follow due procedure even for eviction of encroachers who are in occupation of the land. They are under obligation to put on notice such encroachers for due eviction.

The Writ Petition is without merit and it is accordingly dismissed. No costs.

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A. **GOPAL REDDY, J**

September 20, 2004

**MRR**

**To:**

1 The Mandal Revenue Officer, Kothagudem, Khammam District.

2 The President, Mandal Praja Parishath Kothagudem,
Khammam District.
3 Two C.C.s to the G.P for Revenue, High Court Buildings, Hyderabad

(OUT).

4 Two C.D. Copies.